

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

KURK JOHNSON,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV 24-021-RAW-JAR
)	
CORECIVIC Inc., et al.,)	
)	
Respondents.)	

OPINION AND ORDER

Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Dkt. 1). Attached to the “petition,” however, is a “complaint” with 24 “respondents.” *Id.* at 2. In the “petition,” Petitioner is requesting a writ of habeas corpus and an injunction under § 1983. (Dkt. 1 at 2). He asserts he has exhausted his state administrative remedies and appealed his grievances to the reviewing authority. *Id.*

The combination of a habeas corpus petition with a civil rights complaint is not permitted. A habeas corpus petition pursuant to 28 U.S.C. § 2241 generally concerns the execution of a prisoner’s sentence, while a civil rights complaint under 42 U.S.C. § 1983 concerns alleged violations of civil rights. These are different causes of action that must be filed separately.

The Court finds Petitioner’s confusing document is not a proper pleading for either cause of action. Therefore, the petition is dismissed without prejudice to filing a proper petition for a writ of habeas corpus under 28 U.S.C. § 2241 with one respondent (his custodian). *See* Rule 2(a) of the Rules Governing Section 2254 Cases; *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494-95 (1973). He also may file a separate civil rights complaint under 42 U.S.C. § 1983. Forms for filing both types of lawsuits are available from the Court Clerk’s Office.

The Court further finds that Petitioner has failed to make a “substantial showing of the denial of a constitutional right,” as required by 28 U.S.C. § 2253(c)(2). He also has not shown “at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Therefore, a certificate of appealability cannot be issued.

ACCORDINGLY, Petitioner’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 is dismissed without prejudice to filing a proper petition or complaint on this Court’s form. Petitioner also is denied a certificate of appealability.

IT IS SO ORDERED this 4th day of March 2024.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE